

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: March 20, 2003

Signature: *Sharon M. Smith*
Sharon M. Smith

Docket No.: 28341/6202NCP
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Vogeli, et al.

Application No.: 09/634,109

Group Art Unit: 1646

Filed: August 8, 2000

Examiner: M. Pak

For: G PROTEIN COUPLED RECEPTOR
EXPRESSED IN BRAIN

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MAR 26 2003

TECH CENTER 1600/2900

**TRANSMITTAL OF SUBSTITUTE SEQUENCE LISTING IN RESPONSE TO
NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE AND AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
Washington, DC 20231

Dear Sir:

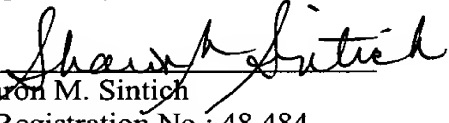
A communication from the Examiner, mailed March 12, 2003, indicated the response filed December 18, 2002 was not fully responsive to the Notice to Comply mailed December 2, 2002. In particular, the Communication stated that the sequence listing did not comply with the requirements set out in 37 C.F.R. § 1.822. The Applicants would like to point out that the Notice to Comply December 2, 2002 did not list any errors in the sequence listing and only stated the sequence listing diskette was damaged.

Application No.: 09/634,109

In response to the Notice to Comply mailed March 12, 2003, transmitted herewith is a paper copy along with a computer readable copy of the substitute sequence listing. Please substitute the originally filed sequence listing with the substitute sequence listing attached herewith. The substitute sequence listed has been amended to reflect the correct number of sequences disclosed at identifier <160>. This amendment does not add new matter to the application.

Dated: March 20, 2003

Respectfully submitted,

By 
Sharon M. Sintich

Registration No.: 48,484

MARSHALL, GERSTEIN & BORUN

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Agents for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,109	08/08/2000	Gabriel Vogeli		4465

7590 03/12/2003
Marshall O'Toole Gerstein Murray & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

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MARSHALL GERSTEIN

EXAMINER

PAK, MICHAEL D

ART UNIT PAPER NUMBER

1646

DATE MAILED: 03/12/2003

Docketed: 4-12-03

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Serial No. 09/634,109

1. The reply filed 23 December 2002 (Paper No.11) is not fully responsive to the communication mailed 02 December 2002 (Paper No. 10) for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS**, from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 8:30 AM to 2:00 PM.

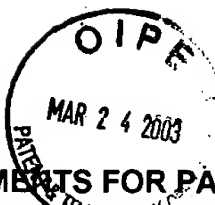
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Michael D. Pak

Michael Pak
Primary Patent Examiner
Art Unit 1646
11 March 2003



Application No.: 09/634,109

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

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Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing" **TECH CENTER 1600/2900**
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

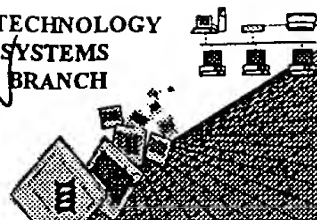
For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

**RAW SEQUENCE LISTING
ERROR REPORT**

BIOTECHNOLOGY
SYSTEMS
BRANCH



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TECH CENTER 1600/2S

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/634,109C
Source: 1600
Date Processed by STIC: 1/16/2003

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual- ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



1600

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/634,109C

DATE: 01/16/2003

TIME: 12:52:12

Input Set : A:\6202NCP.txt

Output Set: N:\CRF4\01162003\I634109C.raw

Does Not Comply
Corrected Diskette Needed

4 <110> APPLICANT: Gabriel Vogeli
5 Linda S. Wood
7 <120> TITLE OF INVENTION: G PROTEIN COUPLED RECEPTOR EXPRESSED IN BRAIN
9 <130> FILE REFERENCE: 28341/6202NCP
11 <140> CURRENT APPLICATION NUMBER: US 09/634,109C
12 <141> CURRENT FILING DATE: 2000-08-08
14 <150> PRIOR APPLICATION NUMBER: US 09/377,563
15 <151> PRIOR FILING DATE: 2000-08-19
E--> 17 <160> NUMBER OF SEQ ID NOS: 12/14 (see p. 2)
19 <170> SOFTWARE: PatentIn Ver. 2.0

ERRORED SEQUENCES

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09/634109C 2

<210> 14
<211> 223
<212> PRT
<213> Homo sapiens

last sequence in file

<400> 14

Ser Gln Leu Ser Leu Met Asp Leu Met Leu Val Cys Asn Ile Val Pro
1 5 10 15

Lys Met Ala Ala Asn Phe Leu Ser Gly Arg Lys Ser Ile Ser Phe Val
20 25 30

Gly Cys Gly Ile Gln Ile Gly Phe Phe Val Ser Leu Val Gly Ser Glu
35 40 45

Gly Leu Leu Leu Gly Leu Met Ala Tyr Asp His Tyr Val Ala Val Ser
50 55 60

His Pro Leu His Tyr Pro Ile Leu Met Asn Gln Arg Val Cys Leu Gln
65 70 75 80

Ile Thr Gly Ser Ser Trp Ala Phe Gly Ile Ile Asp Gly Val Ile Gln
85 90 95

Met Val Ala Ala Met Gly Leu Pro Tyr Cys Gly Ser Arg Ser Val Asp
100 105 110

His Phe Phe Cys Glu Val Gln Ala Leu Leu Lys Leu Ala Cys Ala Asp
115 120 125

Thr Ser Leu Phe Asp Thr Leu Leu Phe Ala Cys Cys Val Phe Met Leu
130 135 140

Leu Leu Pro Phe Ser Ile Ile Met Ala Ser Tyr Ala Cys Ile Leu Gly
145 150 155 160

Ala Val Leu Arg Ile Arg Ser Ala Gln Ala Trp Lys Lys Ala Leu Ala
165 170 175

Thr Cys Ser Ser His Leu Thr Ala Val Thr Leu Phe Tyr Gly Ala Ala
180 185 190

Met Phe Met Tyr Leu Arg Pro Arg Arg Tyr Arg Ala Pro Ser His Asp
195 200 205

*(partial
listing
of sequence
14)*

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/634,109C

DATE: 01/16/2003

TIME: 12:52:14

Input Set : A:\6202NCP.txt

Output Set: N:\CRF4\01162003\I634109C.raw

L:17 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (12) Counted (14)

Napa Valley Farms Market

Shopping List

Aisle 1 – Baking

Left Side, Shelf 3

- 1 box Betty Crocker Coconut Pecan Frosting mix
- 1 box Betty Crocker German Chocolate Cake mix
- 1 box Betty Crocker Chocolate Fudge Cake mix

Left Side, Shelf 4

- 1 box, Sweet'N Low

COUPON!

Aisle 3 – Canned Goods

Left Side, Shelf 2

- 2, 6oz can, Contadina Tomato Paste
- 1, 8 oz can Libby's Crispy Sauerkraut
- 1, 15 1/2oz can, Del Monte Sweet Peas
- 1, 4 oz bottle, Reese NonPareilles Capers

Right Side, Shelf 3

- 6 bottles Deja Blue Purified Drinking Water

Aisle 4 – Rice

Left Side, Shelf 3

- 1 box Fried Rice Flavor Rice A Roni
- 2 boxes Tilda Basmati and Wild Rice

Aisle 7 – Household

Right Side, Shelf 3

- 1 box, pint size Ziploc Freezer Bags

COUPON!

Produce Section

- 1 Apple
- 2 Artichokes

Napa Valley Farms Market

Electronic Order

Customer Information

Jane Smith
1234 Palos Verdes Drive
Palos Verdes, CA

Account Number: **1626**
Home Phone: **310-555-1212**
Work Phone: **310-555-2323**

Payment Information

☒ **Credit Card:**

☐ **Check**

☐ MasterCard ☒ Visa ☐ Discover

Credit Card Number: **1111-2222-3333-4444**

Expires: **12/02**

Billing Address: **Jane Smith**
1234 Palos Verdes Drive
Palos Verdes, CA

Pickup/Delivery Time: **Friday March 3, 2000 between 6:00PM and 6:30 PM**

☐ **Deliver To:** ☒ **Will Pickup**



UNITED STATES
PATENT AND
TRADEMARK OFFICE

FEB 20 2003

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

Dear Patent Business Customer:

The United States Patent and Trademark Office ("Office") is now permitting and encouraging applicants to voluntarily submit amendments in a revised format as set forth in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, ____ *Off. Gaz. Pat. Office* ____ (February 25, 2003), currently available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtprac.htm>. The revised format permits amendments to the specification and claims to be made in a single marked-up version; the requirement for a clean version is eliminated. Attached, you will find a flyer with information and instructions regarding the procedures to be used to comply with the revised format. The flyers are being inserted with out-going Office actions mailed during the period of February 20, 2003 - March 31, 2003.

The revised amendment format is essentially the same as the amendment format for the specification, claims, and drawings that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. This proposed revision and others necessary to facilitate a gradual transition to the use of an Electronic File Wrapper (EFW) will be set forth in a Notice of Proposed Rule making (NPR), expected to be published by March 2003. After consideration of public comments, the Office anticipates adopting a revision to § 1.121, following publication of a Notice of Final Rule making (NFR), expected by June 2003, at which point compliance with revised § 1.121 will be mandatory.

The Office will continue to accept your amendment submissions in the revised format during the voluntary period, which will extend up to the effective date of final revisions to § 1.121. The Office also encourages your feedback on the proposed revised amendment format and other changes set forth in the NPR, expected to be published by March 2003.

For assistance: Any questions regarding the submission of amendments pursuant to the revised practice should be directed to Office of Patent Legal Administration (OPLA), Legal Advisors Elizabeth Dougherty (Elizabeth.Dougherty@uspto.gov), Gena Jones (Eugenia.Jones@uspto.gov) or Joe Narcavage (Joseph.Narcavage@uspto.gov). Alternately, you may send e-mail to "Patent Practice", the OPLA e-mail address that has been established for receiving queries and questions about patent practice and procedures or telephone OPLA at (703) 305-1616.

Nicholas P. Godici
Commissioner for Patents

Attachment: Flyer entitled: *Revised Notice* AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT*

Revised Notice*

AMENDMENTS MAY NOW BE SUBMITTED IN REVISED FORMAT

The United States Patent and Trademark Office (USPTO) is permitting applicants to submit amendments in a revised format as set forth below. Further details of this practice are described in *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, signed January 31, 2003, expected to be published in *Official Gazette* on February 25, 2003 (Notice posted on the Office's web site at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/revamdtprac.htm>). The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

Effective immediately, all applicants may submit amendments in reply to Office actions using the following format. Participants in the Office's electronic file wrapper prototype¹ receiving earlier notices of the revised practice may also employ the procedures set out below.

REVISED FORMAT OF AMENDMENTS

Begin on separate sheets:

Each section of an Amendment (e.g., Claim Amendments, Specification Amendments, Drawing Amendments, and Remarks) should begin on a separate sheet. *For example*, in an amendment containing a.) introductory comments, b.) amendments to the claims, c.) amendments to the specification, and d.) remarks, each of these sections must begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

Two versions of amended part(s) no longer required:

The current requirement in 37 CFR 1.121(b) and (c) to provide two versions (a clean version and a marked up version) of each replacement paragraph, section or claim will be waived where an amendment is submitted in revised format below. The requirements for substitute specifications under 37 CFR 1.125 will be retained.

A) Amendments to the claims:

Each amendment document that includes a change to an existing claim, or submission of a new claim, **must include a complete listing** of all claims in the application. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (canceled), (withdrawn), (new), (previously added), (reinstated – formerly claim #), (previously reinstated), (re-presented – formerly dependent claim #), or (previously re-presented). The text of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated by only the claim number and status.
- (2) All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim should be shown by **strikethrough** (for deleted matter) or **underlining** (for added matter). An accompanying clean version is not required and should not be presented. Only claims of the status "currently amended" will include markings.
- (3) The text of pending claims not being amended must be presented in clean version, i.e., without any markings. Any claim text presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version.

¹ The Office's Electronic File Wrapper prototype program is described in *USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING*, 1265 *Off. Gaz. Pat. Office* 87 (Dec. 17, 2002) ("Prototype Announcement"), and applies only to Art Units 1634, 2827 and 2834.